

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 07 JUN 2006

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Applicant's or agent's file reference 12215PCT dl:rc:kb	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AU2005/000118	International filing date (<i>day/month/year</i>) 31 January 2005	Priority date (<i>day/month/year</i>) 30 January 2004	
International Patent Classification (IPC) or national classification and IPC Int. Cl. G01J 1/26 (2006.01) H04N 5/335 (2006.01)			
Applicant LASTEK LABORATORIES PTY LTD et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
- a. ☒ (*sent to the applicant and to the International Bureau*) a total of 4 sheets, as follows:
- ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b. ☐ (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
- | | | |
|-------------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 16 November 2005	Date of completion of this report 23 May 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer MICHAEL HALL Telephone No. (02) 6283 2474

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2005/000118

Box No. I Basis of the report

1. With regard to the language, this report is based on:

☒ The international application in the language in which it was filed

☐ A translation of the international application into translation furnished for the purposes of:

, which is the language of a

☐ international search (under Rules 12.3(a) and 23.1 (b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1, 4-9 as originally filed/furnished

pages* 2, 3 received by this Authority on 3 May 2006 with the letter of 3 May 2006

pages* received by this Authority on with the letter of

☒ the claims:

pages as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 10-11 received by this Authority on 3 May 2006 with the letter of 3 May 2006

pages* received by this Authority on with the letter of

☒ the drawings:

pages 1-2 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (specify):

☐ any table(s) related to the sequence listing (specify):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (specify):

☐ any table(s) related to the sequence listing (specify):

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2005/000118

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1, 3, 7, 9	YES
	Claims 2, 4-6, 8	NO
Inventive step (IS)	Claims 1, 3, 9	YES
	Claims 2, 4-8	NO
Industrial applicability (IA)	Claims 1-9	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Citations

D1 : US 2002/0008766 A1

D2 : JP 09-181977

D3 : US 6144480

D4 : US 4602291

D5 : Patent Abstracts of Japan, JP 04-040763

D6 : EP 576104

NOVELTY claims 2, 4-6, 8

Claim 2: Each of D1-D6 teaches correcting for dark current of a CCD array, via subtraction of a stored dark current pattern (eg, paragraphs 104-109, 122-123, 129-131 and Figures 1, 2 and 4 of D1; paragraphs 24-28, 38 and Figures 1-3 of D2; columns 3-5 of D3; columns 2-3 of D4; abstract of D5; columns 7-10 of D6), and hence teaches all features of independent claim 2.

Claims 5, 6, 8: Each of D1-D6 teaches all additional features of these claims, and hence these claims also lack novelty.

Claim 4: D2 teaches all additional features of this claim, and temperature-dependent correction in particular, and hence this claim also lacks novelty.

INVENTIVE STEP claims 2, 4-8

Claims 2, 4-6, 8: as above.

Claim 7: Averaging over a plurality of dark signals is an obvious selection in the light of each of D1-D4 for solving the problem of removing noise fluctuations in the dark signals, and hence this claim lacks an inventive step.

Note that no obvious combination of the prior art teaches or suggests a database which stores the dark signal for each detector measured at a plurality of temperatures as per claims 1, 3 and 9. Note also that while columns 1-2 of D3 refer to the possibility of storing a plurality of dark signals corresponding to different exposure times as per claim 1, this possibility is actually taught against (as requiring too much storage overhead), and a different solution is proposed in D3. Hence, claims 1, 3 and 9 are considered to be novel and inventive over the prior art.

INDUSTRIAL APPLICABILITY

The subject matter of the claims is applicable to CCD detector arrays.